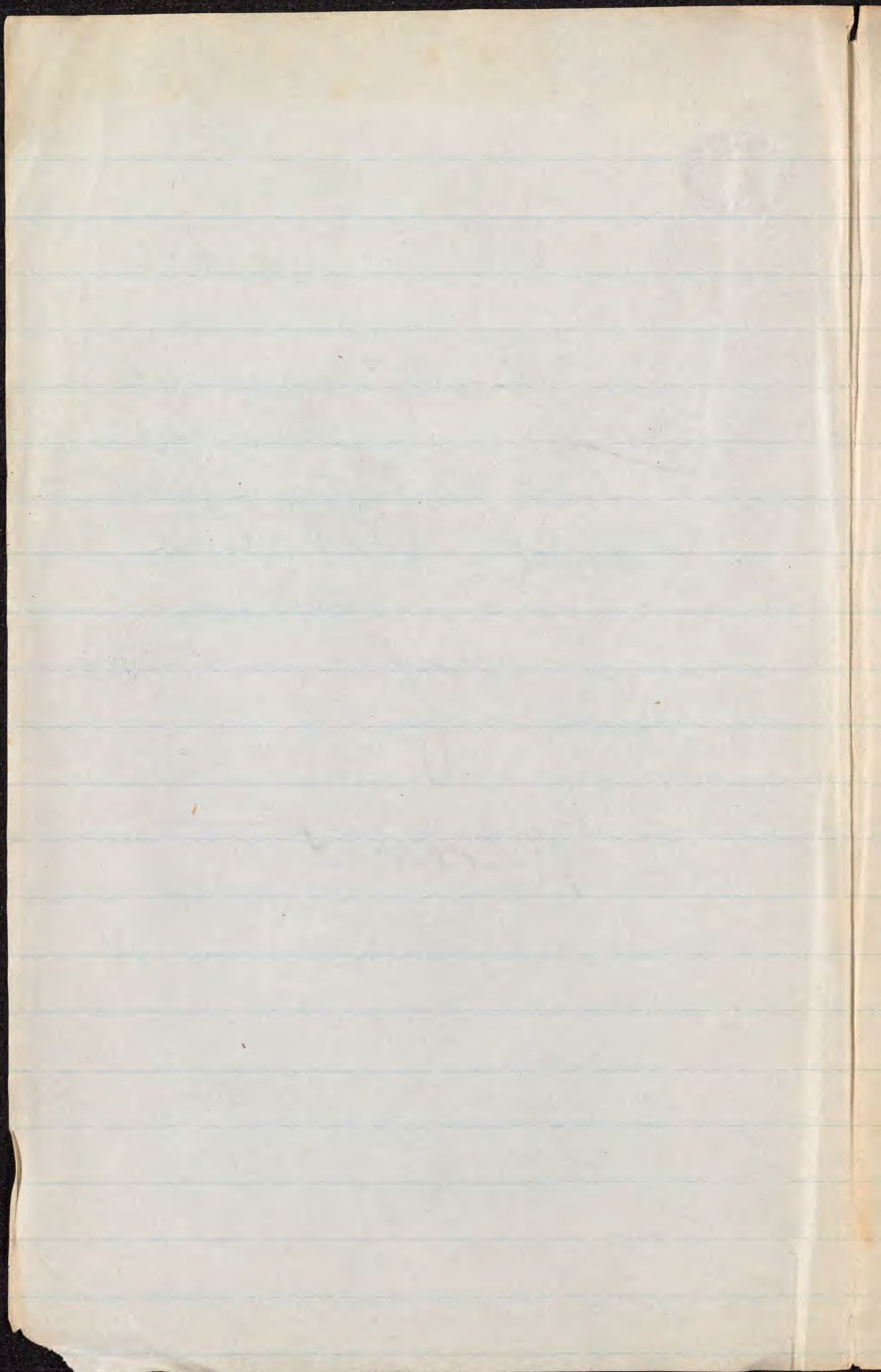


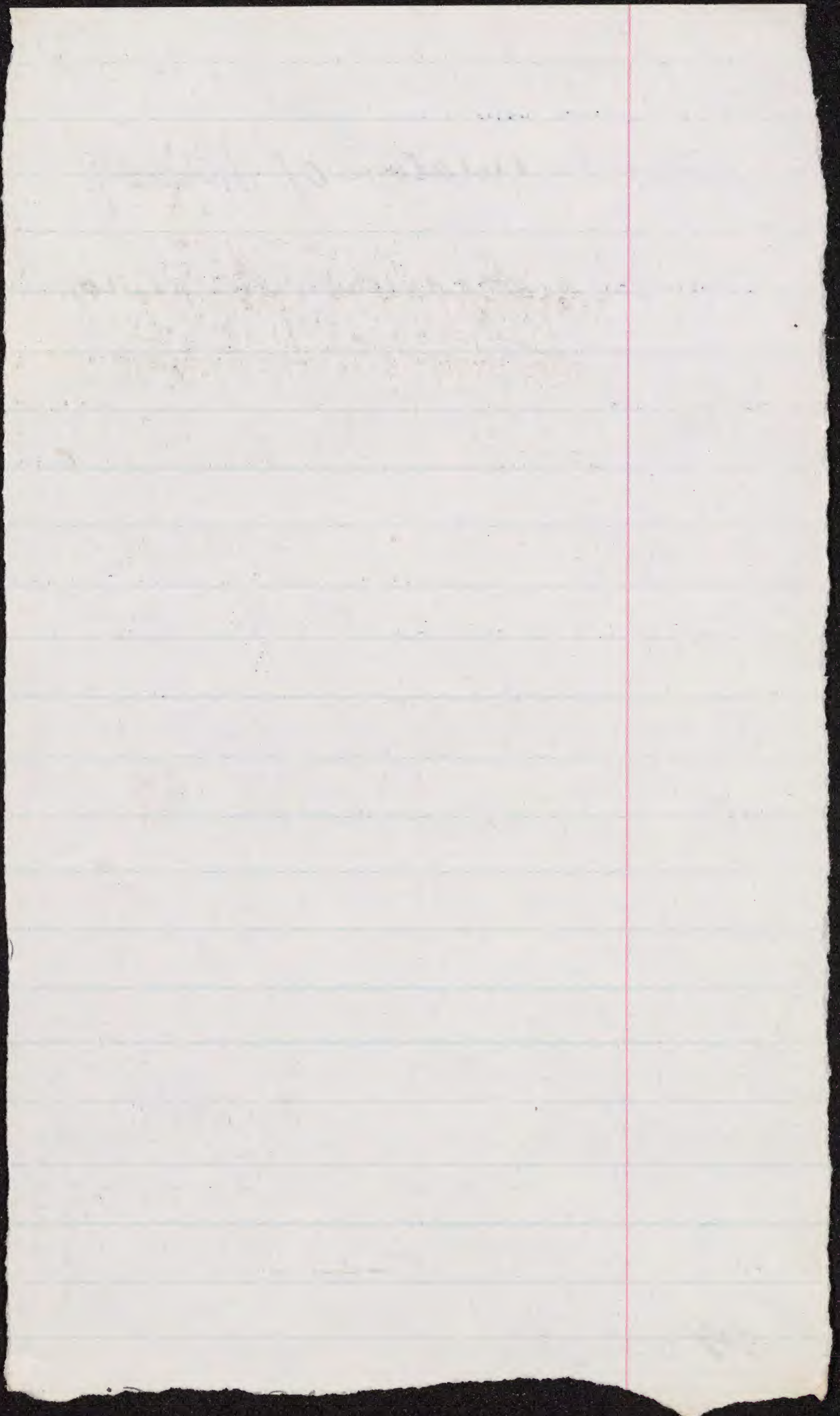
Legal Relations
of
Insanity.



Legal Relations of Insanity,

Practical occasions for its consideration — principally these:

1. Necessity ~~and~~ propriety of Confinement of an alleged lunatic.
2. The taking from an insane person, by legal process, of the control and management of his own property, business, and family affairs.
3. The validity of a will when the question of the sanity of the testator is raised.



(39)

4. The plea of insanity as a
ground of acquittal in criminal
cases. ~~State Lee's account of the~~
~~assigned in history, to~~

~~As Erskine complained, long~~
~~ago, in a famous case in England,~~
a difference ~~was~~ long ~~made~~
in regard to the presumption of
insanity, between civil and
criminal cases. "If," said Erskine,
~~as~~ lawyer and orator, "a
man can be shown to be non compos
mentis, in civil matters, the law
makes void his acts, even though
they cannot be traced to or connected
with the morbid imagination which

On Earth and Man.

Values

systems of relief or elevations
from Hemispheres.

9

mountain in the world, and
is the probable average

9

Continental climatic
influences upon vegetation,
give an example of

10

of mountains, of table-lands
upon the distribution

10

average amount of rain

constitutes his disease, and (40
which may be extremely partial
in its influence on his conduct."

Since the recognition of moral
or impulsive insanity, the tendency
has come of late to be, in this
country much more than in
England, rather to the opposite
extreme; to make the presumption
of insanity weigh the most inpro-
-portion, if not to the magnitude
of the crime, at least to its noto-
-riety and disastrous effects.

In our country there is, moreover,
taken than in England
more notice, in reference to civil cases,
of the character of the mental derangements.

✕ Yet it is often difficult to apply the right distinction; and the validity of a will is always brought into danger by ~~any~~ proof of any sort of mental derangement. (Mary Lockyer's case)

(41)

Lord Brougham's decision, in 1848, that a person insane on one point is insane on all, has left English law, in reference to wills and contracts, in a position to invalidate everything done by a person showing any hallucination or special delusion, no matter how competent actually for business relations. Our law makes it that "a vein of partial insanity does not affect testamentary capacity except where it enters into the texture of the will." (Wharton; W. & Stillé, p. 28). This is certainly more just and safe than the other principle mentioned.

The most serious responsibility however is apt to be associated with the judgment of a medical witness concerning insanity as a plea in defence of one proved guilty of a criminal act, especially homicide;

may have a like defence though arson, theft and other crimes

lose her position
and prosperity.
The way was to develop
the sphere and when
demanded a new
turn her attention
to the social and temper-
ance and intelligent
of America to
the nation and to devel-
opment and of the

10-

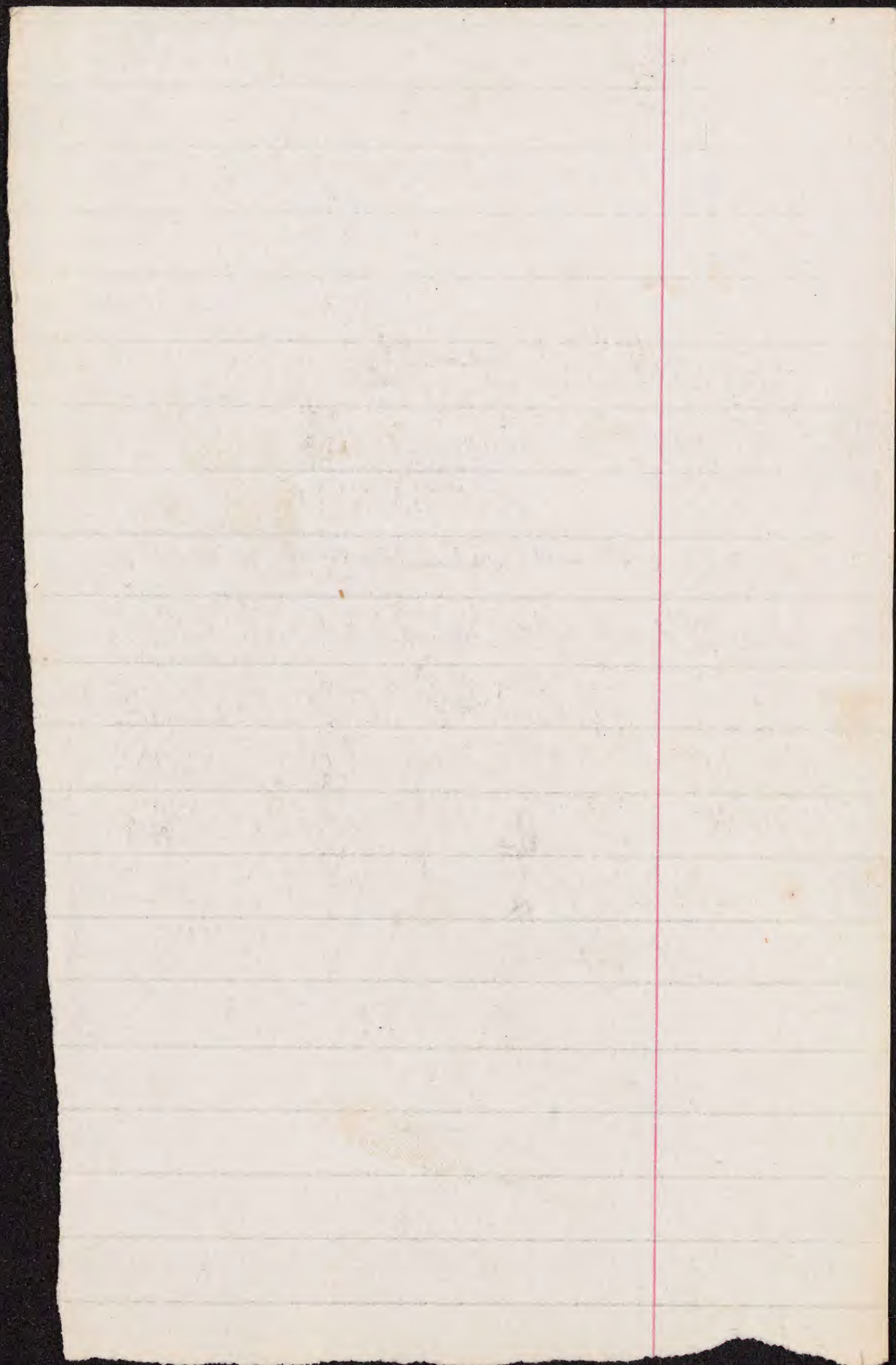
There is a curious interest (82)
about the slow progress of legal
medical and public opinion on this
subject.

Imbecility & Madness were at first quite
confounded —

later,
Then, ~~after the great Hadfield~~
~~case in England, in which Erskine took~~
~~part,~~ delusion was made the
test.

Next, ^{the} knowledge of right and
wrong was pronounced an essential criterion.
This stands now in English
law, — though not practically maintained
by nearly all judges, — and often disregarded
by juries.

Now, in scientific opinion



everywhere, and in legal §3
practice to a considerable extent
in our courts, the absence of
power of the will to regulate
of control the actions ^{admitted,} is equally with the
presence of delusions, ^{which are} immediately
productive of acts ~~that~~ would be
legally justifiable if the circum-
stances delusively supposed ^{to exist} were
real, — either of these, I say,
is now properly with us admitted to
be a valid plea for acquittal on the
ground of insanity.

Pinel, the great French
psychopath & leader in the reform of the
treatment of lunatics, was the first

IX

The general line of m
been from east to w
Asia; Greece; Rome; &
& Spain; & other civil
of Europe.

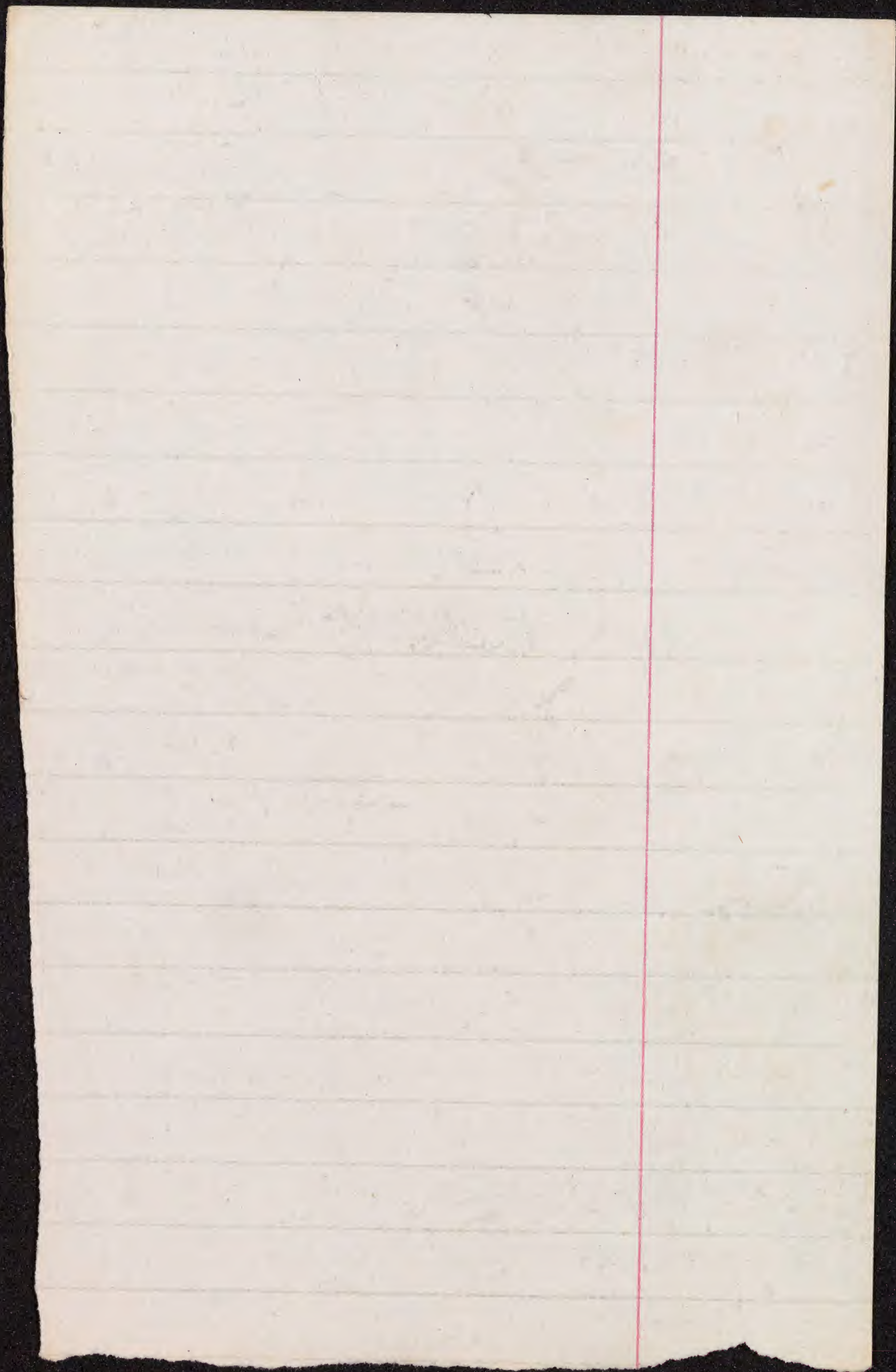
X

Ingot says that C
of man & infancy,
be under author
of civilization con
Europe was the
faculties were tra
enlightened him

appreciate and define what (44)
is now called moral, impulsive
or emotional insanity.

While it is ^{now} most properly recognized,
the idea of
It is subject to much abuse. As Chief
Justice Lewis of this State said many
years since, - "It is therefore to be re-
-ceived with the utmost scrutiny.
It ought never to be admitted as a
defence, until it be shown that these
propensities exist in such violence
as to subjugate the intellect, control
the will, and render it impossible for
the party to do otherwise than yield?"

Dr Kirkbride, ^{DO} long the distinguished
and respected head of the Insane Depart-
-ment of Penna. Hospital, has used
quite as strong precautionary language



in some of his Annual reports; ⁽⁴⁸⁾
urging that there ~~was~~ danger lest
all crime ~~might~~ come to be looked
upon as irresponsible insanity;
while, in truth, if the perpetration
of crimes of violence be ascribable
to this cause, the kind of disorder
is very often ~~that~~ ~~which~~ for which
secure confinement in a place
of discipline and restraint would
be the most appropriate treatment.
Is it right, is it safe for society,
is it in any way tolerable, I ask,
that any man who feels himself to
be insulted, or any woman who like
Mary Harris at Washington, considers
herself to have been jilted, and thereupon

§

Landis-Carruth case, 1875-6

Landis, a wealthy proprietor at Vineland, N.J., after long provocation by injurious insinuations and covert charges in a local newspaper, shot the editor. He lived several months. After his death, Landis was tried, and acquitted, "on the ground of insanity". Within a week or two afterwards, an official opinion by a physician having been rendered under order of the court, to the effect that he was then sane, he was discharged. And this, by New Jersey law, ends the case!

takes the life of the person
~~that such or any man who thinks himself wronged~~
Doing the wrong, — shall be ^{another}
though always save before, at once
acquitted as insane — because the
provocation was so strong — and
then, when acquitted, he again
at once certified to be restored to
sanity, and set at liberty? The
thing is, to my mind, ^{seriously absurd.} ~~preposterous.~~ ^Φ

(Having no time to discuss it now,
I must add but brief remarks. It
would certainly be better for our
laws to be so changed as to lower
the penalty for homicide under some
provocations than to go on as things are.

* Next Recorder Hackett's charge in the ^{Richardson} Mac Farlane case. *
True moral insanity is mostly character

of the New World's respectively
regions of the Old & New

* Landis-Carmuth case, Vermont,
the Gulf stream, and state
on the climate of Europe.

9
N.J., 1876.

of the manner in which
races of mankind
climate, and explain
is superiority differs from
ized beings.

12

to illustrate the influence
differences between North
Europe.

12

general line of migration
from which the population
have sprung.

10

At the close of District-Attorney Garvin's argument the Court took a recess for half an hour. Upon reassembling, at 2 o'clock, Recorder Hackett occupied fifty-five minutes in delivering the charge to the jury:

After congratulating the Jury on the termination of their labors, and cautioning them against being influenced by anything but the evidence, he referred to the employment of private counsel by the prosecution as something usual in all great cases, citing precedents. He then examined the question of insanity, charging

That if the evidence left his sanity in doubt he should be acquitted; if the jury cannot say beyond a doubt that the defendant was sane at the time of the deed they must acquit him; if they entertain a reasonable doubt of his guilt they must acquit.

If the jury believe that, at the very time of the commission of the act alleged against him, from causes operating for a considerable length of time beforehand, or recently, or suddenly occurring, the defendant was mentally unconscious of the nature of the act in which he was engaged, he was and is legally irresponsible for it.

If from the whole evidence the jury believe that the defendant committed the act, but at the time of doing so was under the influence of a diseased mind, and was really unconscious that he was committing a crime, he is not in law guilty of murder.

And it must be borne in mind that the *moral*, as well as the *intellectual* faculties, may be so disordered by disease as to deprive the mind of its controlling and directing power.

That to make the prisoner responsible for the act charged upon him, the jury must not only be satisfied that he was aware of what he did, at the time of doing it, but that he was not morally insane in reference to the deceased, or the act which he is charged with perpetrating upon the deceased.

That the law holds no one responsible for his act, where his mind was so diseased at the time of his act as to be without reason, conscience, and will, and where from such causes the party accused was an involuntary instrument of such a disease, and incapable of refraining from the commission of the act.

If the proof shows that the mind of the accused was in a diseased and unsound state, the question will be whether the disease existed to so high a degree that, for the time being, it overwhelmed the reason, conscience, and judgment; and whether the prisoner, in committing the homicide, acted from an irresistible and uncontrollable impulse; if so, then the act was not the act of a voluntary agent, but the involuntary act of the body without the concurrence of a mind directing it.

As to the (alleged) shooting of the deceased by the defendant on March 13, 1867, that cannot be taken by the jury as evidence of malice, unless the prosecution have satisfied them by proof beyond all reasonable doubt that the shooting was felonious.

The counsel for the defense has stated in your hearing that several times, in kindred cases, he has been called upon to vindicate the sanctity of the marriage tie, or of upholding and defending the marriage relation. I charge you, gentlemen, that no such ideas as those should find entrance into the jury-box. You are not to uphold nor to prostrate the marriage relation by your verdict. Fourierism, free love, or sentimentalism on the one hand, and moral reflections upon the conduct of the deceased man or living woman upon the other hand, are not legitimately to affect your verdict. Some of you might arrive at the conclusion upon some of the extraneous matters that have been foisted into this case, that Richardson was the demon whom counsel for the defense describe him to have been, and others of you might arrive at a conclusion that the fact of Richardson and Mrs. McFarland both desiring a divorce and a marriage was proof that no criminality existed between them down to the time of the homicide. Yet, either conclusion would be foreign to your duty—your sworn and solemn duty—your duty to the public and respect for due course of law and order, as well as your duty to the accused. Unsworn men, not clothed with the solemnity of jurors' oaths, and interpreting a worldly code, may say that he who seduces the wife of another ought to be killed, or that he who does so upholds the marriage relation. But judges and jurors must interpret the strict legal code—a code that to swerve even a hair's breath from is often as fatal to human society as the slightest variation of the mariner's compass is sometimes fatal to the ship and her passengers, whose safety depends on the unswerving integrity of the magnetic needle. And in interpreting that code the inflexible rule of jurors should be that the aggrieved husband, or father, or relative, who takes the correction of wrongs into his own hands with pistol or knife, and is not in a state of insanity when he did the correction, is not to be acquitted because it is the duty of any man to uphold the sanctity of the marriage tie unassisted by legal procedure. When the prisoner brought his suit against Richardson he was within law. When he became executioner he took the law into his own hands. If he took this law into his own hands in a state of sanity and with malice, however sentiment for the living prisoner may applaud the act, he is guilty of felonious killing. If in a state of insanity, however much sentiment in favor of the dead might reprehend the act, or all persons reprehend the wrong done the State by killing its citizen in unauthorized mode, he is not guilty.

the water," whose duty it is to see that the canals are kept in proper order, and to settle all questions growing out of the subject of irrigation. His powers within the limits of his sphere are equal to those of a justice of the peace. He may summon a jury and compel the attendance of witnesses, as is usual in a justice's court. He is required to keep a list of the persons within his jurisdiction who are entitled to water, and to decide upon the order in which they are to be supplied. Tapping the canal out of turn is severely punished, and is considered more disreputable than any other theft.

Like all people who are ignorant and at the same time indolent, the New-Mexicans are inclined to rely very much upon superhuman aid, and to attribute want of success to some unfavorable supernatural agency. Nearly every department of industry is supposed to be under the control of some patron saint, who in his lifetime excelled in that particular line. On occasions of public alarm on account of unusual lowness of the streams, the priests appoint an especial day of supplication to the saint, when regular ceremonies are repeated. The plows used in New-Mexico resemble those employed in Egypt 3,000 years ago. They are made entirely of wood, and are of the simplest possible construction. A piece about two feet long and four inches square is cut from the body of a tree in such a way as to include the origin of a limb of convenient size to serve as a handle. This block, sharpened at the extremity, is at once share, mold-board and landside. The attached limb, cut off at proper length, is the solitary handle. It only remains to frame the end of a long pole into the angle made by the handle and the nondescript base of the implement, and the plow is done. The pole which serves as a beam is long enough to reach to the yoke, where it is secured by a thong of rawhide. With this implement it is, of course, impossible to do anything more than scratch the surface of the ground. But the soil being alluvial and soft, the roots of the grain strike down into it readily, the object of plowing being merely to cover the seed, and not to loosen the earth beneath. The seed is dropped from the hand into each furrow, and is supposed to be covered by the plow in the next round. But in reality the covering of the seed is chiefly effected by the irrigation which immediately follows. It is stated that American plows have been tested in New-Mexico, but with disastrous results, as they broke up a sort of hardpan which lies a short distance below the surface, and left the ground in the condition of a sieve, through which the water soaked away at once, and left the surface without moisture. Granting this objection to hold good, the miserable plows of the country might be replaced with advantage by the cultivator harrow, which, beside operating more rapidly, would stir the surface better and have a tendency to keep down the weeds.

The principal crops raised are Indian corn, wheat, and beans. The yield is fair, but not in proportion to the richness of the soil, which does not become exhausted, owing to the constant addition of organic matter brought by the water used in irrigating. For some unexplained reason it is impossible to raise potatoes, the vines growing very luxuriantly, but producing no tubers. I have paid twenty cents a pound in silver for a few potatoes brought from Chihuahua, and sold as a rare luxury. Grapes attain to great perfection, as might be expected in such a climate. I think I have never tasted any elsewhere which possessed so much body. Considerable wine is made, which has the richness and body of port, with the delicate flavor of the sweet Hungarian wines. The manufacture of this wine shows a considerable fertility of resource on the part of the natives. The grapes are bruised in a wooden trough by means of a heavy block of wood attached to the end of a spring-pole, and made to play up and down by a man who sits astride the pole and "teeters." Barrels being very scarce and expensive, an ingenious substitute is employed. Four stout sticks, about three feet in length, are lashed together with raw hide, so as to form a square frame. This is supported at each corner by a crotch driven into the ground. The next step is to take the fresh hide of a beef, and having trimmed around the edges to sew the latter firmly to the frame with thongs of raw hide. As the hide stretches it forms a large pouch, which hangs suspended from the frame. The cover is composed of sticks placed closely together, upon which straw is laid, and the whole covered with three or four inches of earth. All this trouble is taken to save a few feet of boards, sawed lumber being exceedingly scarce and difficult to obtain. These pouches may be used year after year, and do not seem to impart any unpleasant flavor to the wine.

Rude as are the plows already described, they are not more so than other agricultural implements. The carts, and the most perfectly constructed structures

by its acts being notorious; (47)
the extreme opposite of these now
famous cases of provocation. I
add, then, - that

1. The fact of the crime should
always be proved before a jury, before
the question of insanity is brought up
at all.

2. The presumption ought ^{then} always
to be that the accused is sane,
unless it be most fully demonstrated
that he is insane; the doubt should
~~then~~ be made to weigh against this plea,
not for it.

3. The sanity or insanity of a criminal
ought always to be examined into and

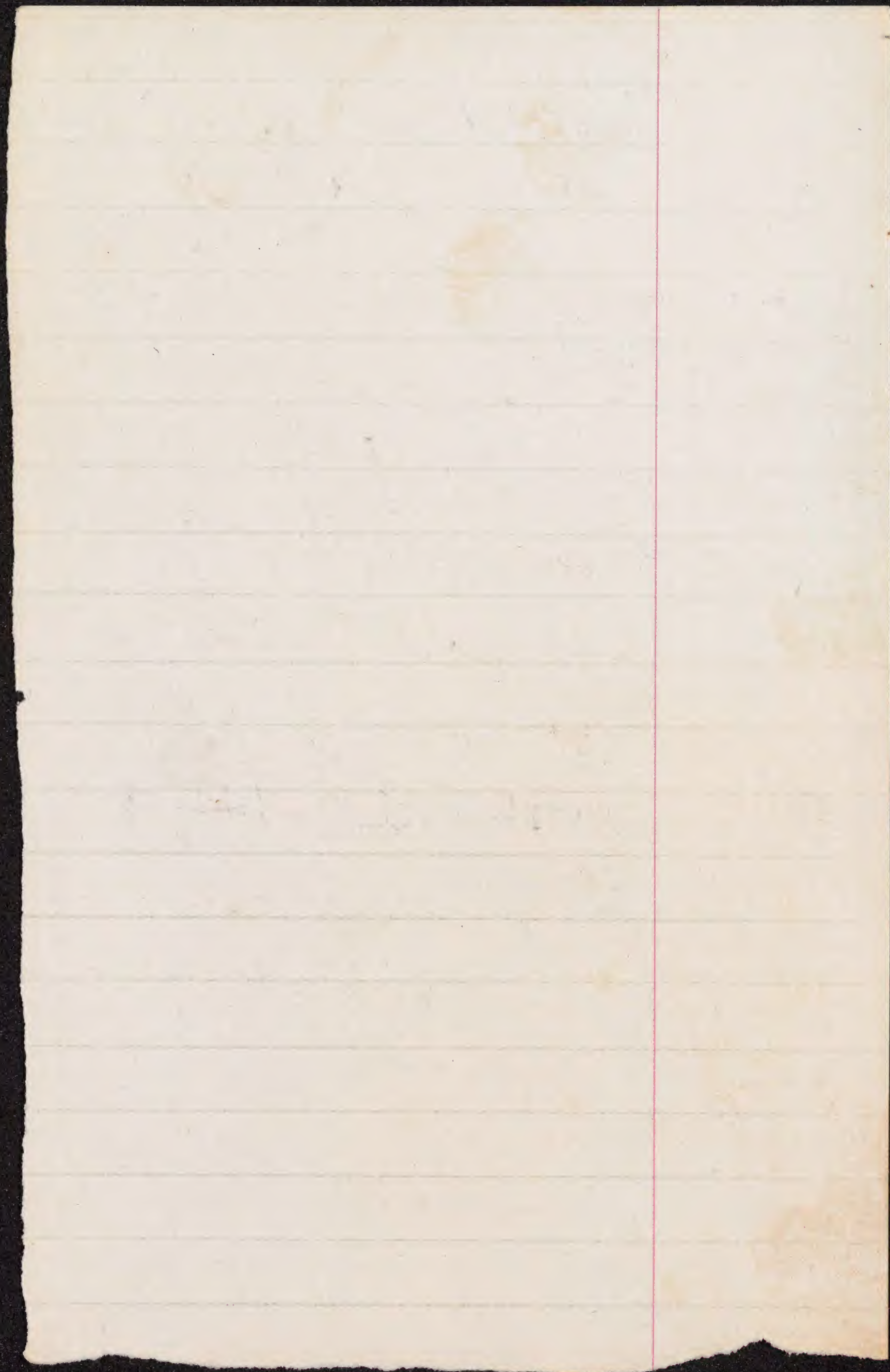
X
Working in lead
Painter's colic, also
usually at the wrist - drop
of the wrist.

Lucifer matches - can
neurosis - or decay of
of the Phosphorus
Needle grinding -
of steel breathers
course.

Cleaning Sewer -
gen - which by itse
but these men get a
In mines light -
by itself - very poor
with sufficient -
The Sewers & deep
air penetrate & so
men to breathe

reported upon by medical (48
experts; preferably ~~with~~ those
who have made special study
of insanity; though others may at
times have to be called on.
4. Such experts ought to have,
as in France, time for their inves-
tigation; not minutes, or mere hours,
but days, & if need be, weeks or
months. 1874, lately done (Heidenblut)
in Philada.

5. Every homicide, acquitted
on the ground of insanity, should be
as by English law ~~an~~ ^{an} ~~option~~ ^{option} of
detained thereafter, without ^{is} option of
any court or other authority, in such
a secure institution, be it hospital,
asylum or other, the most suitable that
is secure enough, for life.



In these precepts, I (89
maybe to some extent, and in the
last I certainly am, anticipating
what is to come, rather than
stating what now is the case,
But in our outline of this
subject I am most anxious to
convey to you what I believe to
be the soundest principles of
Medical Jurisprudence, Law, & the
Science, is, on these matters, now
in a transition, — an incomple-
ted state. —

Answers to Earth

VIII

The Nations of the north
hardly than the nation
those of the North come
upon the South wages
as in Asia these from
the ones of the South; & if
they would be harmed
otherwise, they received
the customs, & more
better than their own
more civilized. In the
conquered by the strong
received from the South
customs. It was the case
was conquered by the

X

The part assigned to

ACQUITTALS ON THE GROUND OF INSANITY.

—The citizens of New York are petitioning Governor Hoffman, to place McFarland under the restraints of an Insane Hospital, on account of the evidence of his insanity given in defence at his trial. They seem to argue that when a man charged with murder pleads unsoundness of mind, to free him from accountability to the law, for the killing of his victim, that he should be taken at his word, and be placed in such custody as will protect others against the repetition of such insane acts. This is logical enough; but why not provide by law for such cases? Here, in Pennsylvania, we have made some wholesome progress in this direction. The insanity plea was rather overdone here as well as in New York, but, at the instance of the Medical Faculty, the Superintendents of our Insane Hospitals, and some other citizens who had studied the subject, our Legislature, in 1869, reformed the law applicable to such cases. The act then passed provides that whenever any person is acquitted of homicide or attempted homicide, on the ground of insanity, the jury shall declare that fact in their verdict, and the Court shall order the prisoner to be committed to and detained in some place of confinement for treatment and safe keeping, from which he or she shall not be discharged for at least three months, and not then unless in the unanimous opinion of the Superintendent and Managers of the hospital, and the Court which tried the case, the prisoner has recovered and may be safely set at large. In cases of acquittal on charges for inferior grades of crime, the prisoners are to be confined, under treatment, for at least three months, and not then to be discharged unless entirely recovered.

y S. Richardson, the fugitive wife, she
to weigh the mountain of sorrow that
rolled over that poor woman's soul,
ugh those long years of hopeless agony,
ugh the fiery ordeal of a public trial in
courts, the merciless hounding of the
s, the garbled testimony, and the unjust
sion, setting a mad man free to keep that
broken-hearted woman in fear of her
as long as he lives."

his sentence was the key note to the whole
ress; the points of which were that Mc-
land ought to have been sent to the Luna-
Asylum, and that the divorce laws of the
e of New York ought to be so amended as
prevent such men from having power or
ontrol over such wives in future. She con-
led by urging upon her hearers to prepare
tions to that effect, to be submitted to the
t Legislature.

a response to the appeal of General Jordan
clothing and other comforts for the desti-
families of the Cuban patriots, a number
dies met in Association Hall this morning,
constituted themselves a Relief Committee
ceive the donations of all who are dis-
d to contribute. Medicines and provisions,
ell as other necessities, are solicited.

e newest Cuban sensation is that the
ner George B. Upton, which sailed from
port on Saturday last, has a commission
the Junta here, as a regular man-of-war.
is said to have a full complement of offi-
and some two hundred fighting men, be-
a full supply of ammunition, shells, &c.
ere are scores of houses and parts of
es in the suburbs of Brooklyn, to let or
ale, and at prices from twenty-five to
y-five per cent. lower than were asked be-
the first of May. In Hoboken, also, the
ings of the same description of property
unusually large.

v. Dr. Ewer, of Christ Church, sails for
land next week. As Dr. E. is at the head
hat is called the advanced ritualists, the
rt is, that he is going thither in pursuit of
novelties with which to startle the low-
chmen on the Fifth avenue, when he
es back in the fall.

man named Guimares, said to be the agent
o Janeiro, of Messrs. Wheeler & Wilson,
dies to-morrow this morning, charged

book, only dating back as far as April 20, 1869, which stands inconveniently in the way of the application for his discharge. It reads thus:

Penna. Law.

SEC. 4.—Whenever any person is acquitted in a criminal suit on the ground of insanity, the jury shall declare this fact in their verdict, and the court shall order the prisoner to be committed to some place of confinement for *safe keeping or treatment*, there to be retained until he may be discharged in the manner provided in the next section.

SEC. 5.—*If after a confinement of three months duration*, any law judge shall be satisfied by the evidence presented to him, that the prisoner has recovered, and that the paroxysm of insanity in which the criminal act was committed was the *first and only one* he had ever experienced, he may order his unconditional discharge. If, however, it shall appear that such paroxysm of insanity was preceded by at least one other, then the court may in its discretion, appoint a guardian of his person, and to him commit the care of the prisoner, said guardian giving bonds for any damages his ward may commit.

Provided always, that in case of homicide or attempted homicide, the prisoner shall not be discharged, unless in the *unanimous* opinion of the superintendent and the managers of the hospital, and the court before which he or she was tried, he or she has recovered, and is **SAFE TO BE AT LARGE.**

The case will be disposed of by the Court next Saturday, and, of course, in accordance with this judicious law.

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Fine Gold Hunting American Patent Lever Watches, of the most approved and best makers. Fine Gold Hunting Case, Double Case, Double Bottom, English Patent Lever Watches, made by Tobias, Johnson, Rodart, Robinson and other approved makers. Fine Gold Hunting Case and Open Face Anchor Lever Watches, in rich Engraved, Engine Turned, Plain and Fancy Cases. Fine Gold Lepine Watches, in rich Hunting Cases, open face and others. Fine Gold and Diamond Watches in Hunting Cases.

Silver American Lever Watches, in Heavy Hunting Cases and open face, of all the best makers.

Silver English Watches in Heavy Hunting Cases and open faces, of all the most approved and best makers. Silver Swiss Lever Watches, best makers, in Hunting Case and open face.

Silver Lepine Watches, of every variety, in Hunting Cases and open face. Silver English, Swiss and French Watches of every variety.

Fine Gold Chains, Breast Pins, Ear-rings, Finger-rings, Studs, Sleeve Buttons, Jewelry generally.

Fine Diamonds—Ear-rings, Breast Pins, Finger-rings, Studs, &c.

Precious Stones, Gold and Silver Plate.


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The Mental Condition of Landis.—On Monday next Judge Reed will hold an adjourned session of the Cumberland county Courts, for the purpose of instituting an inquiry into the state of the mind of Charles K. Landis, with the view of ascertaining whether or not he is a fit subject to be at large. The statute of the State of New Jersey on this point is to the effect, that when a person shall have escaped indictment, or been acquitted of a criminal charge upon trial, on the ground of insanity, or otherwise, the court shall ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the asylum. The county from which he is sent shall defray all his expenses while there, and of sending him back if returned, but the county may recover the amount so paid from his own estate, if he have any, or from any relative, township, city or county that would have been bound to provide for and maintain him elsewhere. If the prisoner shall appear to be insane, the Judge of the Circuit Court of the county shall institute a careful investigation, call two respectable physicians and other credible witnesses, invite the prosecutor of the pleas to aid in the examination, and, if necessary, to compel the attendance of witnesses and jurors; and if it is satisfactorily proved that he is insane, said Judge may order his safe custody and removal to the asylum, where he shall remain until restored to his mind.

—♦♦♦—

76

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dence, 1611
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[love,

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residence,
at Moriah

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Thursday
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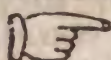
daughter
nd grand-
Lambert,

9 o'clock,
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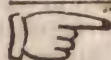
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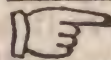
E. G. CARPENTER, Adjt.



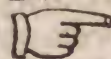
I. O. O. F.—IMPROVEMENT
Improving.—The Members of Im-
Lodge, No. 344, are requested to meet at
Norris and Sepviva streets. on THURSDAY
NING, Feb. 10th, at 7 o'clock, sharp, to
bian Lodge, No. 36, a friendly visit. Vi-
thers from Sister Lodges are cordially
meet with us. There will be music in the
*76 Attest—C. A. SOUDER.



WEST PHILADELPHIA LO
572, I. O. of O. F.—Members, a
Lodge TO-NIGHT. Important.

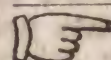


NOTICE! OFFICERS AND M
of Progressive Council No. 109 O
The meetings of the Council will be
Wednesday evening, in Room No 6 U. A
Instead of Thursday, as heretofore. By o
Council. W. M. TOPPIN, C



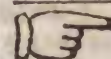
ARTISANS' ORDER OF MUTU
tection.—The M. E. Assembly is n
sion at Lewar's Hall, S. E. corner Ninth
Garden. Evening session TO-NIGHT.
of the Order, with Regalia, are respectfull
JOHN McMUR
Most Excellent R

*540



GOOD SAMARITANS AND DAU
of Samaria of Temperance.—The
Session of the Grand Lodge of Pennsylv
held THIS EVENING, at 1363 Ridge av
order of

FRANCIS ZERMAN, M. D., W. G.
ALEXANDER MOORE, W. Gr. Sec'y.



SKATING CLUB.—MEETI
EVENING, 1822 Arch street.
*72 WM. R. TUCKER, S

The first great
cardinal rule is this, every person is pre-
sumed to be sane and to possess a sufficient
degree of reason to be responsible for his
crime until the contrary shall be proven to
the entire satisfaction of the jury. The Judge

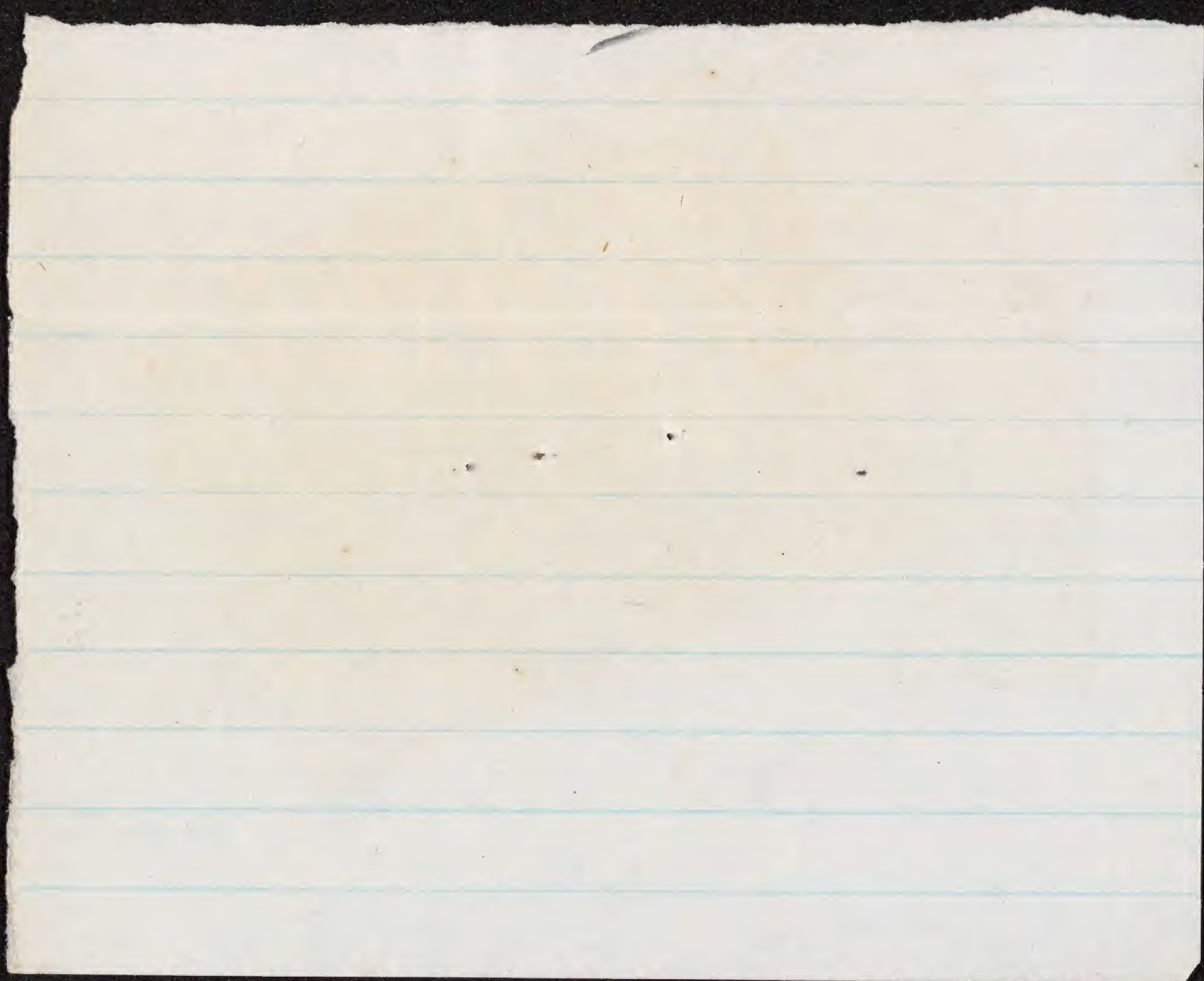
Judge Gilpin
Westminster
Cal. 1873.

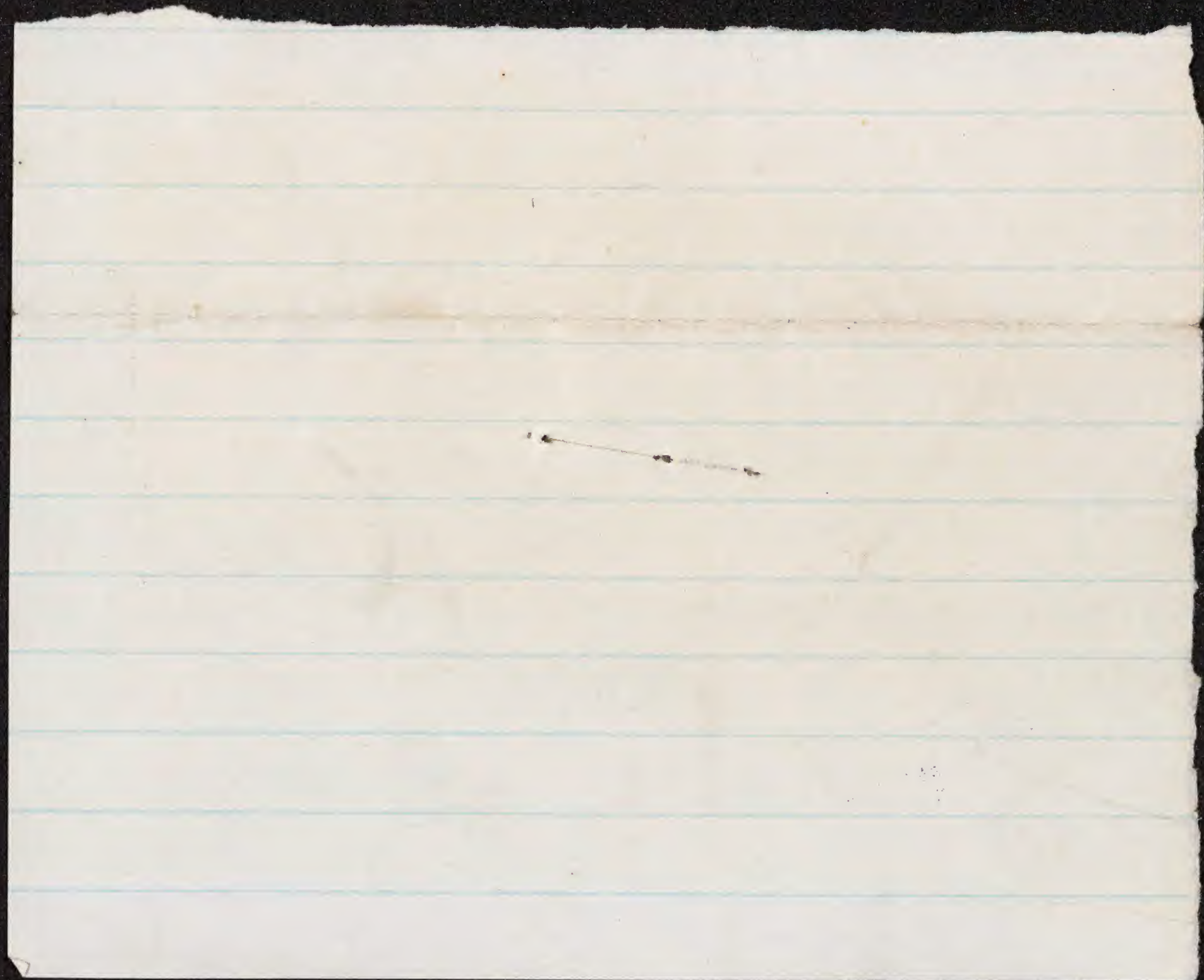
terms, thirteen cents
per month.

NO TIME FOR NEGLECT.

During the last week there were rather
more than double the usual number of deaths

dw
fla
wh
mi





EMOTIONAL INSANITY.—At a recent meeting of the New York Medico-Legal Society, David Dudley Field Esq., in discoursing upon "Emotional Insanity," concluded as follows:—

Children under the age of discretion, idiots and imbeciles are not within the discipline of criminal law.

The mental unsoundness of other persons, commonly designated as insanity or mania, is in itself, or is attended by, disease of the brain, so that no heat of mere passion, and no degree of mere frenzy, can in any just sense be pronounced insanity by either of the professions.

That neither perceptive nor emotional insanity by itself, nor both together, can be accepted as excuse for criminal responsibility.

That intellectual or volitional insanity absolves from criminal responsibility when, and only when, the reason has lost either the power of choice or the power of controlling the will.

That in every case of acquittal on the ground of insanity, the defendant should be forthwith placed in a lunatic asylum, and there kept until it is proved that he is restored to such a state of sanity as to remove all apprehension of a recurrence of the disease.

That the present gradation of punishments is unsuited to the present condition of medical learning, and a change is required which shall make the law punish not only according to the harmfulness of the outward act, but according to the quality of the inward spring of action.

New Publications.

BOOKS RECEIVED.

CHEMISTRY, MEDICAL AND PHARMACEUTICAL, including Chemistry of the U. S. Pharmacopœia, &c. &c. By JOHN ATTFIELD, Ph. D., F.C.S., Prof. Pract. Chem. to Pharm. Soc. Great Britain. Fifth ed. Phila.: H. C. Lea. 1873.

INTRODUCTION TO THE STUDY OF CLINICAL MEDICINE, &c. By OCTAVIUS STURGES, M.D., Cantab. Phila.: H. C. Lea. 1873.

ON THE TREATMENT OF DISEASES OF THE SKIN, &c. By Dr. MCCALL ANDERSON, Prof. Pract. Med., Anderson University. Phila.: H. C. Lea. 1873.

CLINICAL REPORTS FROM PRIVATE PRACTICE. By JOHN CLAIBORNE, A.M., M.D., etc. Petersburg, Va. 1873.

CONTRIBUTIONS TO PRACTICAL SURGERY. By GEO. W. NORRIS, M.D., late Surg. to Penn. Hosp. Phila.: Lindsay & Blakiston. 1873.

PHARMACEUTICAL LEXICON. A Dictionary of Pharmaceutical Science, &c. By H. V. SWERINGEN. Phila.: Lindsay & Blakiston. 1873.

Over

EDUCATION OF MIDWIVES IN RUSSIA.—The Russian government has established the following course of study for midwives :—

First year.—Normal anatomy, including histology of the normal tissues ; physics, expounded in their application to the physiology of health and disease, and the hygiene of women and children ; botany, with reference to materia medica and pharmacy ; and anatomy, especially with reference to women and children.

Second year. — Physiology, medicine, chemistry, pathology, methods of investigating disease, pharmacy, and dispensing. Physiology and pathology shall have special reference to the organization of women and children, pregnancy, and the history of development. Pharmacy is to have special attention devoted to it, as female students will be under the necessity of mixing their own medicines in villages where only small druggists exist.

Third year.—Pathological anatomy, histology, midwifery, the teaching of diseases of women and children will be taught clinically from the beginning. Clinical instruction is confined to the most frequent forms of disease. In the surgical *clinique*, the pupils ought to make themselves acquainted with fractures and dislocations, wounds, and the art of bandaging. The study of nervous diseases and those of the eyes is important ; the first with regard to the ailments of women (gynæcology), and the last to those of children.

Fourth year.—Operations in midwifery. General practice in midwifery, hygiene, clinical instruction in diseases of women and children, syphilitic and skin diseases. Operative midwifery must include the use of forceps, turning, etc., with practical training of the students. The duty of an expert in midwifery is confined to the explanation of forensic medicine, referring to the female sex and their offspring : *e.g.*, questions relating to virginity, seduction, pregnancy, miscarriage, the capacity of life of the foetus, the viability of the child at time of birth, etc. Hygiene is to be studied principally with regard to the health of the child after birth, and of the woman during the periods of development, pregnancy and parturition, and after the cessation of the menses.

Each yearly course lasts eight months, beginning in September and ending in May. The number of lectures may not consist of less than three a day.

From the establishment of this course of instruction the Russian government anticipate the following results : 1. The lives of many women in childbirth will be saved which are lost in Russia from inadequate medical attendance ; 2. The lives of many children and people of all ages will be preserved among the

Over

(50)

Responsibility about giving certificates of measles is also often of great importance to the physician. For safety of patients, their families & others, it is a duty which may not be evaded: but it requires judgment and care.

Residents of Philadelphia of less than my age may remember the case of Morgan Lincolnman -

VVh. ———— Dr.

Much more recently,

Dr. Roddard ————

several years since

Mr. Draper ————

at Dr. Kibler's - 1869 -

Dr. Rosenberg ————

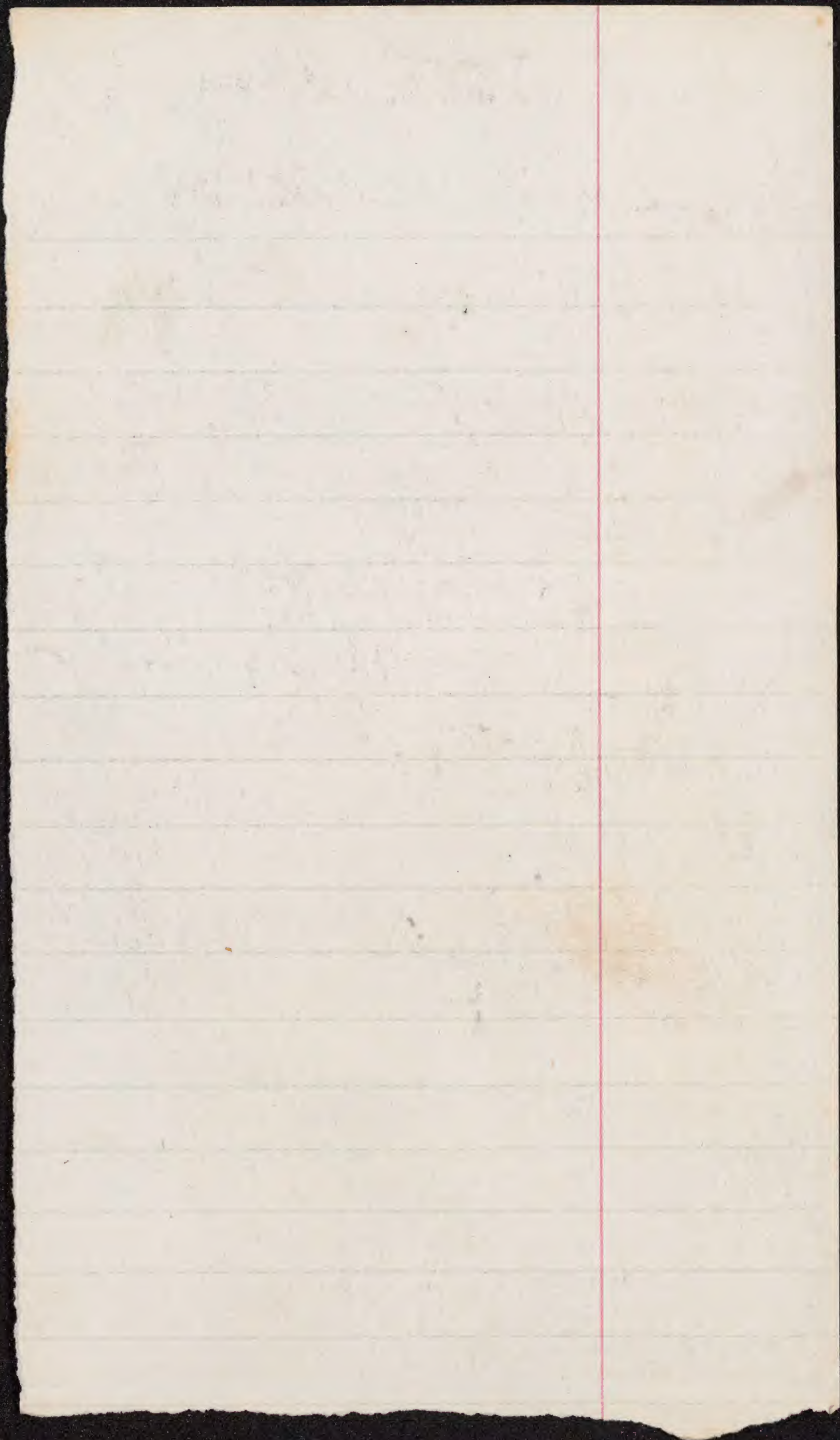
(argued his own case, '69
1875. well! - 70)

all rightly decided for the Hospital concerned.

Loethe 7/4

The Community ~~is~~ ⁽⁵⁷⁾
indebted to the Assocn. of Medical
Superintendents of Insane Hospitals
for bringing forward an improved
Law, which increases the
Security of physicians. It
is much like the present
English Law on the subject.

2 phys. — (not necessarily apart,
as in England) — ^{the} certif. ^{to be} acknowledged
before an alderman — & provision
^{is made} for habeas corpus — which last,
it is true, is of too infrequent use
as Dr Kirkbride's anonymous experience
this winter (1869-70) show. —



Much might be added (52)

here, perhaps, upon the Diagnosis
of insanity, which the professional
intrees maybe called upon
to make, either for a certificate
or in a criminal case. But,
having ^{to say} said something on this topic
^{if one has time, in my succeeding}
~~in my previous lectures, in~~
connection with Mental Pathol-

~~ogy~~ - I believe it best
~~to state some points concerning it?~~
not to attempt to dilate further

upon it now. Dr Bucknill & Tuke's
~~Dr Blandford's~~
books on insanity, and Wharton & Stille's
Treatise on Medical Jurisprudence,
are, I think, on this subject, the most
available authorities.

free from the bonds
was the progress
of civilization.

America is the place
can use his strength
a man arrived at
where he can work
enlighten himself.

SANITY AFTER ACQUITTAL.

From the N. Y. Journal of Commerce.

1876

A commission of experts appointed to examine the mental condition of Landis (lately acquitted of the charge of murder on the ground of insanity) have pronounced him sane, and he has been discharged from the lunatic asylum. No one questions the correctness of their decision. No one doubts, either, the conclusion arrived at by Dr. Ordronaux, Commissioner of Lunacy of this State, and an associate expert, who have found Scannel, whose case all through strongly resembled that of Landis, wholly in his right mind. The public fully recognize the capacity of these gentlemen to judge wisely in matters to which they have given years of study, and their action will not be censured, however much it may be thought that justice has been cheated out of her dues. If these commissions of persons learned in mental disease are accepted as the best judges of the sanity or insanity of a man after he has been cleared of the charge of murder by an ordinary jury, why should they not be taken as the proper tribunal before whom the plea of insanity should be tried. There can be no doubt that stricter justice would be done by such a course if it were possible of adoption—as it is not, under the constitutional guarantee of trial by jury. The “palladium of our liberties” must be preserved, the people would say, although by submitting the question of insanity to twelve men who know nothing of the true indications of that disease, murderers by the score avoid punishment. It will remain forever, perhaps, one of the incongruities of our laws that the judgment of a commission of experts may be summoned by the Supreme Court, and accepted as final, to determine the mental state of a person who shows evidences of insanity by squandering

Continued on the Eighth Page.

George Wilson, Anne de Girardin, and other eminent writers, who in 1853 strenuously urged, through the columns of *La Presse* and other journals, the adoption of cremation. The overcrowding of cemeteries was the beginning to give pernicious results, and the attention of scientific men had been drawn to the necessity of overcoming the evils resulting therefrom. But in spite of these efforts the worms won the day, and a general abhorrence was expressed at the idea of cremation. In 1857 the speaker had agitated the question in Padua, but the public were opposed to it, and not until 1866 were any further efforts made in favor of the theory, which, however, met with no better success than the previous ones. The city of Milan had reason to be proud; it was the first in the world which had erected in its principal cemetery a material altar, on which any one desired could after death defy the worm, and leave to the care of his or her relatives remains of mortality which would offer nothing repugnant to their senses. He held that the day was not far distant when cremation would be universally adopted, not from choice, at least from necessity. If not, the dead would drive the living into the desert, and great cities would become abodes of plague and pestilence.

Dr. Pini, of Milan, followed in a few remarks in favor of the cremation theory, and referred to the completeness of the invention in which the remains of the founder were then being consumed. Of the terrific plague which raged therein, the solid Verona sarcophagus of which the sarcophagus was built gave outward indication. He referred to a public cremation on the banks of the Arno, at Florence, one night in 1870, when the body of an Indian Prince was burned. A pyre of wood was erected, and the corpse, covered with perfumes of all kinds, laid thereon, and consumed before a large concourse of people. The disagreeable features of such a cremation were not to be found in the present invention.

A few remarks on the system, as then practically demonstrated, were made by Professors Polli and Clericetti, the inventors.

his estate, and he may be sent to a lunatic asylum on the strength of their opinion, while these same competent authorities cannot be invoked to settle the far graver question whether the defense of insanity raised to save a murderer is a reality or a sham. It is vastly more important to society that the man who has wilfully butchered a fellow-being should not be permitted to go unpunished through the credulity or stupidity of a common jury, than that another man who begins to betray symptoms of dementedness should be clapped into a mad-house to preserve his estate from wreck. True, these experts may be called as witnesses, and may present their views of a given state of facts when asked. But to answer questions prepared for a special purpose by the defense is a very different thing from investigating the subject for themselves and reaching their own conclusions as a commission fully empowered to decide the question of insanity. Sensible men everywhere are disgusted with these absurd verdicts of acquittal on the ground of insanity, which are won by the eloquence of counsel and the weakness of juries; and various impracticable plans have been proposed to deprive such verdicts of some part of their demoralizing effect. It has even been suggested that persons so acquitted on murder trials should be kept in lunatic asylums or other retreats for the rest of their lives, whether actually insane or not; To put in an asylum or any other place of detention a man who is perfectly sane, but who had escaped conviction of murder on the plea of insanity, would be plainly unjust. It would do the man no good, nor save society from any danger. If he is actually sane, society has nothing more to fear from him than from any other of the tens of thousands of hot-tempered persons running about loose and likely to kill somebody at any moment and get off by the "insanity dodge." The present laws of the State covering these matters seem to be about right. When a person is acquitted, "for insanity," of the crime of murder, arson, or highway robbery, he must be committed by the presiding judge of the court to some State lunatic asylum. There he must remain until restored to sanity, that fact to be determined by the State Commissioner of Lunacy, but he cannot be discharged save by order of a Justice of the Supreme Court. This system does not punish the murderer, if sane, for the fault of the jury in letting him go, but it does take good care while any traces of insanity remain in him that he shall not be released to put men in peril. It is useless to frame laws to rectify the blunders of the jury-box. The only relief from these farcical acquittals and their deplorable consequences is to be sought in the increased firmness and conscientiousness of jurors. If juries were honest and had nerve, there would be no release of murderers "for insanity," except upon evidence that would find universal belief. Men (before such juries) who showed no signs of dementedness, but only the common passions of hate, envy or revenge at the time of committing murders, and who acted rationally enough during the trial, would not escape

N.Y.
1876

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427

427

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